

Attorney Docket No. 179.210US

RECEIVED

CENTRAL FAX CENTER

USPTO FAX NO.: 703-872-9306

DEC 6 2003

ATTENTION: Examiner Gerald G. Leffers Jr.  
TELEPHONE NUMBER: 703-308-6232

## OFFICIAL COMMUNICATION

## FOR THE PERSONAL ATTENTION OF

EXAMINER GERALD G. LEFFERS JR.

## CERTIFICATION OF FACSIMILE TRANSMISSION

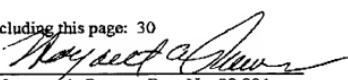
I hereby certify that the following documents in re Application of Juha Punnonen et al., Application No. 09/886,942, filed June 21, 2001, for NOVEL CHIMERIC PROMOTERS is being transmitted to Group 1600 of the US Patent and Trademark Office to USPTO facsimile phone number 703-872-9306 on the date shown below.

Documents Attached

1. Amendment (25 pages)
2. Facsimile Transmitted Form (1 page)
3. Petition to extend the period for response for one months (1 page and 1 duplicate page)
5. Fee Transmittal Form (1 page)

Number of pages being transmitted, including this page: 30

Dated: December 1, 2003

  
Margaret A. Powers, Reg. No. 39,804

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (650) 298-5446**

Maxygen, Inc.  
515 Galveston Drive  
Redwood City, CA 95064  
Telephone: 650-298-5300  
Facsimile: 650-298-5446

Please type a plus sign (+) inside this box → +

Approved for use through 09/20/2000. OMB 0551-0251

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

30

Application Number	09/886,942
Filing Date	June 21, 2001
First Named Inventor	Juha Punnonen
Group Art Unit	1636
Examiner Name	Gerald G. Jeffers Jr.
Attorney Docket Number	179.210US

## ENCLOSURES (check all that apply)

Fee Transmittal Form  
 Fee Attached

Amendment / Response  
 After Final  
 Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Assignment Papers (for an Application)  
 Drawing(s)  
 Licensing-related Papers  
 Petition Routing Slip (PTO/SB/69) and Accompanying Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
 Change of Correspondence Address  
 Terminal Disclaimer  
 Small Entity Statement  
 Request for Refund

After Allowance Communication to Group  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Additional Enclosure(s) (please identify below):

## Authorization to Charge Deposit Account

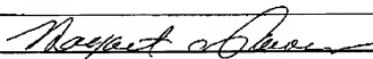
Please charge deposit account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extension of time for consideration of the documents enclosed

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Margaret A. Powers, Reg. No. 39804

Signature



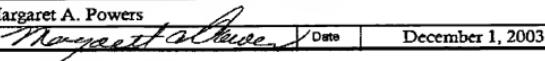
Date December 1, 2003

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name Margaret A. Powers

Signature



Date December 1, 2003

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual review.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

## Complete if Known

Application Number	09/886,942
Filing Date	June 21, 2001
First Named Inventor	Juha Punnonen
Examiner Name	Gerald G. Jeffers Jr.
Art Unit	1636
Attorney Docket No.	179.210US

## METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Deposit Account				

50-0990

Maxygen, Inc.

The Commissioner is authorized to  check as that apply

Charge fees(s) indicated below  Credit any overpayments

Change any additional fees(s) due during the pendency of this application

Charge fees(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee	Fee	Fee	Fee
Code (\$)	Code (\$)	Code (\$)	Code (\$)
1001 750	2001 375	Utility filing fee	
1002 350	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Resevoir filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ 000.00)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from	Fee Paid
<input type="checkbox"/> -20% =	<input type="checkbox"/> X	<input type="checkbox"/> $\frac{1}{2}$	<input type="checkbox"/> $\frac{1}{2}$
<input type="checkbox"/> - 5% =	<input type="checkbox"/> X	<input type="checkbox"/> $\frac{1}{2}$	<input type="checkbox"/> $\frac{1}{2}$
Multiple Dependent		<input type="checkbox"/> $\frac{1}{2}$	<input type="checkbox"/> $\frac{1}{2}$

## Large Entity Small Entity

Fee	Fee	Fee Description
Code (\$)	Code (\$)	
1202 18	2202 8	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 260	2203 14	Multiple dependent claim. If not paid
1204 84	2204 42	** Resevoir independent claims over original patent
1205 18	2205 9	** Resevoir claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 000.00)		

\*For number previously paid, if greater. For Reissues, see above.

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee	Fee	Fee	Fee
Code (\$)	Code (\$)	Code (\$)	Code (\$)
1031 130	2031 65	Surcharge - late filing fee or cash	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1012 2,500	2012 2,500	For filing a request for ex parte reexamination	
1004 920	2004 920	Request for reexamination of SIR prior to Examiner action	
1005 1,840	2005 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1256 1,970	2256 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revoke - unpatentable	
1453 1,300	2453 650	Petition to revoke - unenforceable	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 230	Design issue fee	
1503 620	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1607 50	1607 50	Processing fee under 37 CFR 1.17(d)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
1807 40	1807 40	Requesting assignment assignment per (37 CFR 1.12(b)(1)(i) or (ii))	
1809 750	1809 375	Filing a submission after final rejection (37 CFR 1.129(b))	
1810 750	1810 2610	For each aqcquisition invention to be examined (37 CFR 1.128(d))	
1801 750	1801 2601	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee(s) (specify)			
Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 110.00)	

(Complete if applicable)

Name / Print/Type	Margaret A. Powers	Registration No.	39,804	Telephone	650-298-5809
Signature	<i>Margaret A. Powers</i>				

Date 12/01/2003

## Certificate of Facsimile Transmission under 37 C.F.R. 51.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number 703-872-9306 on this date: December 1, 2003

Type or Printed Name	Margaret A. Powers	Date	12/01/2003
Signature	<i>Margaret A. Powers</i>		

I hereby certify that this correspondence is being transmitted by facsimile to Group 1636 of the United States Patent and Trademark Office to facsimile number 703-872-9306 on December 1, 2003.

By   
Margaret A. Powers  
MAXYGEN, INC.

Attorney Docket No.: 0179.210US  
(formerly Attorney Docket No.:  
02-031910US)

RECEIVED  
CENTRAL FAX CENTER  
DECEMBER 1 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Juha Punnonen, et al.

Application No.: 09/886,942

Filed: June 21, 2001

Examiner: Leffers Jr., Gerald G.

Art Unit: 1636

**AMENDMENT**

For: **NOVEL CHIMERIC PROMOTERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 30, 2003, Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. The following documents are enclosed herewith:

- 1) A Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to extend the period of response for one month from October 30, 2003 to November 30, 2003 (given that November 30, 2003 is a Sunday, the period may be extended to December 1, 2003);
- 2) Fee Transmittal; and
- 3) Transmittal Form.

Please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** begin on page 4 of this paper.

**Remarks** begin on page 14 of this paper.